



Namibia

Country Reports on Human Rights Practices - [2001](#)

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Namibia is a multiparty, multiracial democracy. President Sam Nujoma, leader of the South West Africa People's Organization (SWAPO), was reelected in 1999 general elections, which international and domestic observers agreed were free, but included some instances of government harassment of the opposition and unequal access to media coverage and campaign financing. In the 1999 elections, SWAPO won three-quarters of the seats in the National Assembly. During the year, President Nujoma announced that he planned to step down at the end of his term. The judiciary is independent.

The police, including the paramilitary Special Field Force (SFF), supervised by the Ministry of Home Affairs, and the Namibian Defense Force (NDF), supervised by the Ministry of Defense, share responsibility for internal security. The Namibian Central Intelligence Service (NCIS) has responsibility for national security related intelligence inside and outside the country. There were continued abuses by security forces deployed in the Kavango and Caprivi regions as a result of crossborder fighting from Angola. By September the majority of the NDF soldiers who were sent to the Democratic Republic of the Congo (DRC) in 1998 were withdrawn. Members of the police force and the NDF committed serious human rights abuses during the year. These forces are under the full control of, and are responsive to, the civilian Government.

The country's modern market sector produces most of its wealth, while a traditional subsistence agricultural sector (mainly in the north) supports most of its labor force. The population is approximately 1.8 million. The principal exports are diamonds and other minerals, cattle, and fish. Ranching still is controlled largely by white citizens and foreign interests. In other industries, including the important mining, fishing, and tourism sectors, the participation of indigenous entrepreneurs has been increased to provide opportunities for black citizens. Per capita gross domestic product is approximately \$1,400 (N\$15,500). Although there is an extreme disparity between the income levels of black citizens and white citizens, the living standards of black citizens continued to improve, and the major economic resources in the country no longer are controlled exclusively by white citizens. Unemployment was nearly 40 percent and affected primarily the black majority.

The Government generally respected the human rights of its citizens; however, there were serious problems in several areas. Members of the security forces committed several extrajudicial killings while conducting extensive security operations in the Kavango and Caprivi regions along the country's northern border with Angola. After fighting between the Angolan Armed Forces (FAA) and forces from the National Union for the Total Independence of Angola (UNITA) crossed into the country, security forces involved in anti-UNITA security operations killed civilians. There were deaths in custody. The Government did not account for the whereabouts of some persons detained by the security forces. During arrests and detentions, security force members reportedly tortured and beat citizens and Angolan refugees who were suspected of complicity with UNITA. There were other reports of police mistreatment of suspects in detention, and refugees were denied legal protections during detention. Some security force members who committed abuses were arrested and tried in military courts or the civilian criminal justice system; however, the Government did not take legal or administrative action in other cases. Prison conditions and conditions in military detention facilities were Spartan. Arbitrary arrest and lengthy pretrial detention were problems. A large court backlog, due primarily to resource constraints, continued to lead to lengthy delays of trials.

High-level government officials continued to respond to criticism of ruling party and government policies with verbal abuse. There continued to be pressure on journalists who worked for government-owned media outlets not to criticize the Government. There continued to be a ban on all public demonstrations that did not have prior police approval; there were no reports that permit applications were not approved during the year. On occasion the Government restricted freedom of movement. On several occasions during the first half of the year, the authorities deported Angolan citizens without review by an immigration tribunal, as required by law;

however, there were no such deportations during the second half of the year. Violence against women and children, including rape and child abuse, continued to be serious problems; however, the Government took some steps during the year to address these problems. Women continued to experience serious legal and cultural discrimination. Racial and ethnic discrimination and serious disparities in education, health, employment, and working conditions continued. Discrimination against indigenous persons persisted, especially in remote rural areas where indigenous people often were unaware of their rights. There were reports of forced labor, including by children. The Government took steps to end child labor, and the problem of child labor declined.

Members of the FAA and UNITA involved in the crossborder fighting in the northern part of the country committed extrajudicial killings, beat civilians, laid landmines, and according to local and international human rights groups, committed a number of rapes.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Members of the security forces committed several extrajudicial killings in the Kavango and Caprivi regions along the northern border, where fighting between FAA and UNITA forces spilled over into the country. At times security forces used excessive violence against citizens and Angolan civilians along the northern border of the country, and security forces involved in anti-UNITA operations killed a number of civilians during the year.

Security forces shot and killed several persons during the year. For example, on June 10, an NDF soldier shot and killed a woman inside a Catholic church in Shamangorwa village near the Kavango-Caprivi border; there was no further information available on the case by year's end. In mid-June Simpson Mandume, an SFF soldier, shot and killed 21-year-old Heblonia Maliro Tjiti, with whom he reportedly had a romantic relationship. Mandume was arrested and charged with murder; there was no further information on the case at year's end. On September 22, SFF soldiers shot and killed Marian Muyeghu and Poroto Kakuru near Shinyungwe village, east of Rundu, reportedly because they were involved with UNITA; however, human rights groups reported that they were shot while looking for lost cattle. There was no further information available on the case at year's end. In October a NDF soldier shot and killed Libwere Shampapi in the village of Muhopi, east of Rundu. The soldier reportedly was angered by the playing of drums in the village. The NDF arrested the soldier, and he was charged with murder; there was no further information available on the case at year's end.

Several persons died in custody. For example, in January Ismael Mohamed reportedly was beaten to death while in police custody (see Section 1.c.). The police commissioner ordered an autopsy; however, there was no further information available on the case at year's end. On July 10, Hans Dikua, a Kxoe San man, died in NDF custody. The Government first stated that Dikua was shot while trying to escape after he was arrested on suspicion of hiding weapons along the Okavango River; however, the Government subsequently reported that Dikua jumped out of a NDF canoe and drowned. The Government announced that an autopsy showed no bullet holes in the body. Human rights groups maintained that he was shot, based on the accounts of local villagers who witnessed the incident; human rights groups reportedly were invited to examine the body but had not done so by year's end.

At times the Government took action against security forces responsible for deaths; however, in many other cases, the Government failed to take action against security force members responsible for killings.

During the year, several NDF officers who were involved in the June 2000 killing of Felizberto Toto were charged with murder; there was no further information available on the case at year's end. There were no developments in the March 2000 case of a SFF member who was arrested and charged with killing Mapeu Moroshi of Thipanana Rughongo village. In 2000 a SFF member was charged with murder for the January 2000 killing of a 6-year-old girl, Heremine Nyumbu, after he fired into a crowd of refugees; there was no further information available on the case at year's end. During the year, the SFF members who were involved in the incident were charged with murder for killing Mpengu Haininga in January 2000; there was no further information available on the case at year's end.

In 2000 senior civilian and military government officials made public statements acknowledging that security forces abused and killed civilians in the Kavango and Caprivi regions during security operations in response to crossborder UNITA attacks in the country, and they publicly called for greater discipline and respect for human rights by the NDF and police forces. During the year, the NDF and police forces conducted human rights

training with the assistance of the U.N. High Commissioner for Refugees (UNHCR) and the Legal Assistance Center, a domestic nongovernmental organization (NGO).

In 1999 there were reports that security force officers killed eight Caprivi Liberation Army (CLA) rebels and several civilians, and beat, arrested, and detained suspected CLA rebels and sympathizers during operations against the CLA after a 1999 CLA attack at Katima Mulilo. During the year, the responsible security forces were charged with assault and torture, and many victims initiated civil suits against the Government; some of the suits were decided in favor of the victims, and others were ongoing at year's end. One SFF member was tried for murder and acquitted on August 30.

In November 1999, a police officer in Okahandja beat to death a student who was arrested and in custody for disorderly conduct. The police officer immediately was suspended, charged, and released on bail; his trial still was pending at year's end.

There was no further information available on the case against a SFF officer who shot and killed James Chilunda, a civilian, in the Caprivi village of Singalamwe in July 1999.

After the Government decided in 1999 to allow the FAA to launch anti-UNITA attacks from the country's territory, there was extensive crossborder fighting, which resulted in civilian deaths and injuries. The Government took a number of actions in response to crossborder fighting, including expanding the police presence in those areas and retaliating militarily.

FAA soldiers killed a number of civilians during the year. For example, in April Nghihangwa Kandume in Opalasha township in Eenhana, died under mysterious circumstances after he was seen in the company of seven FAA soldiers. In January 2000, an FAA member killed Thadeus Mubili in Mushangara in western Caprivi. In May 2000, the FAA killed Thaddeus Vili at Bagani near the Kavango and Caprivi regions. In both cases, the responsible FAA members were arrested immediately after the killings and returned to the FAA for punishment; however, it is not known if the FAA took further action by year's end.

During raids in the Kavango and Caprivi regions, UNITA forces killed civilians.

UNITA used landmines, which resulted in dozens of deaths and numerous injuries of civilians and security force officers. There continued to be reports that FAA members used landmines in villages. Since 1999 landmines have killed more than 20 persons in the country; between June and year's end, 11 landmine explosions were reported, which resulted in at least 1 death (see Section 1.c.).

There were no developments in the 2000 case of a family of foreign tourists who were killed by unidentified armed men.

b. Disappearance

There were several reports of disappearances perpetrated by the security forces during the year. The Government did not account for the whereabouts of some persons detained by the security forces (see Section 1.d.). On January 15, NDF soldiers arrested Cesar Domingos, an Angolan citizen, in Mohopi village; he reportedly has been missing since the arrest (see Section 1.c.).

During several crossborder attacks into the northern area of the country, UNITA kidnaped Namibian citizens and took them to Angola. There were reports that some of the kidnaped persons were raped or forced to serve as combatants or porters (see Sections 5 and 6.c.). There also were reports that FAA soldiers abducted Namibian citizens. On February 12, FAA soldiers reportedly abducted two Namibians after looting the village of Mutwarantja, east of Rundu; the soldiers took them across the Okavango River into southern Angola and shot and injured them.

In March two children were kidnaped from their home in Mayenzere village by a group of armed men who were believed to be UNITA members and taken to southern Angola; they were returned by NDF officers.

There were no further developments on the disappearance of persons detained by SWAPO prior to independence.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution provides that no persons shall be subject to such practices; however, in practice, prisoners sometimes were beaten or otherwise mistreated by police, especially by members of the SFF. There were serious abuses in the Kavango and Caprivi regions along the northern border, where fighting between FAA and UNITA forces spilled into the country. During arrests and detentions, security force members beat citizens and Angolan refugees who were suspected of complicity with UNITA.

Security forces and police beat and reportedly tortured several persons they held in custody. For example, on January 14, NDF soldiers arrested Cesar Domingo's brother-in-law, Paulus Shifure, and reportedly beat him. On January 16, NDF soldiers arrested Peter Mukonda and another person on weapons charges in Korokoko village, east of Rundu, and reportedly beat them at the Rundu military base. On January 17, NDF soldiers arrested Masati Muyenga and reportedly hung him upside down and whipped him during detention at the Rundu military base; he was released from custody on February 21 after security forces determined that he was not a UNITA member. On April 9, NDF soldiers arrested Johannes Sondaha Kampumburu in Rundu on suspicion of collaborating with UNITA; during his detention, he reportedly was hung upside down by his legs and beat with a rawhide whip called a sjambok. On June 3, NDF soldiers reportedly used electric shocks on Petrus Kalimbwe while he was in detention at a NDF base in Silikunda village, west of Rundu. A hospital report showed that he was injured on the back, elbow, and hand but did not indicate the cause of injury. On August 15, Joseph Simbinde Muvundu reportedly was arrested in Nkurunkuru village, accused of being a UNITA commander, and tied to a tree overnight. The next day, he reportedly was transferred to Rundu military base and was beaten and subjected to electric shocks.

Security forces shot and injured other persons. For example, on September 15, there was a report that a drunken NDF soldier shot and injured Ralph Nairenge, a 17-year-old student at the Bunya Junior Secondary School, west of Rundu, reportedly while he walked down the street in Bunya. Nairenge was treated for his injuries at the Rundu state hospital; no further information was available on the case at year's end.

There were several incidents of harassment of homosexuals by security forces, which human rights groups believed were instigated by the President's remarks about homosexuals (see Section 5). For example, on April 30, a SFF member ripped earrings from the ears of two men in Katutura, a suburb of Windhoek. SFF members reportedly grabbed a notebook and tore up the written notes of a reporter at the scene, briefly confiscated his camera, and arrested him; he was released the same day. A senior SFF commander who witnessed the incident threatened disciplinary action against the SFF member; however, no reported action was taken against the SFF member by year's end. In June SFF members beat two homosexual men on the street.

SFF members reportedly beat persons whom they stopped for identification checks.

In 2000 there were reports that security forces targeted members of the Kxoe minority group for harassment during anti-UNITA operations in the Caprivi region.

At times security force members who committed abuses were arrested and tried in military courts or the civilian criminal justice system; however, in many other cases, the Government did not take any action against those responsible for abuses.

No action reportedly was taken against the members of the security forces responsible for beating, shooting, or otherwise abusing persons in the following cases from 2000: The February beating of Kamungwe Ngondo; the February shooting of Muyeve Thadeus Munango; the February beating of Hompa Anton; the January beating of Erkki Fiderato; the January shooting of Kandepwe Kapama; the January shooting of Kathumbi Diyeve; the January beating of Lucas Kavura and his father, Daniel Nyambe; and the January beatings of Kapindi Mpepo, Haupindi Hamuyera, and Petrus Paulus.

In 1999 many detainees exhibited evidence of extensive injuries inflicted by police during their detentions, including detainees Oscar Lupalezwi, Stephan Ntelamo, and Allen Sameja. All three identified their abusers as police sergeant Patrick Liswani and two constables named Haipa and Oupa. In 2000 the Prosecutor General requested additional investigations in the criminal case against the sergeant and the constables; there was no further action on the case by year's end.

In 1999 security forces responded with violence to secessionist attacks. The Legal Assistance Centre (LAC) represented former parliamentarian Geoffrey Mwilima in a civil suit against the Government for damages for their mistreatment by police after the 1999 CLA attack at Katima Mulilo. Security forces beat Mwilima and other suspected CLA members and sympathizers with sjamboks and rifle butts during arrest and detention. The SFF members involved in the incidents were charged with assault, and the victims brought individual civil suits against the Government; both the criminal and civil suits were pending at year's end. The LAC reported that 128 civil suits had been filed relating to the 1999 state of emergency in Caprivi. The criminal cases were scheduled to begin in February 2002 but were postponed because none of the defendants had legal

representation. Some of the defendants applied for legal aid, but the Government refused to provide it. They subsequently filed an appeal to the High Court challenging the refusal. On December 14, the High Court ruled in favor of the defendants; however, the Government appealed the decision to the Supreme Court in December, and the case remained pending at year's end.

The police continued to use a human rights training course and a police human rights manual designed by the LAC. A directive that prohibited the use of sjamboks by police continued to be in force during the year. The directive generally was observed by police and resulted in some decrease in reports of police brutality; however, police still are permitted to use batons. No police officers who used sjamboks were charged with violating the directive during the year; however, the Government reportedly was preparing criminal cases against them at year's end.

Numerous crossborder attacks into the country by UNITA and FAA forces, including the use of landmines, and the abuse of civilians, resulted in dozens of deaths and many injuries to civilians (see Section 1.a.). By 1999 more than 100 persons had been injured by landmines; between May and year's end, 11 cases were reported, including 1 death (see Section 1.a.). There were reports that UNITA forces kidnaped female citizens and raped them. There were reports of intimidation and abuse of civilians by the FAA, including sexual harassment, threatening behavior by drunken soldiers, and indiscriminate use of firearms. In 2000 the all-SWAPO region council for Kavango recommended the removal of Angolan government troops from the country because of their harassment of Namibian civilians; however, this did not occur by year's end.

In June a farmer shot and injured a refugee reportedly for poaching a goat and stealing crops. The farmer was arrested and charged with attempted murder, and he was released on bail. The trial was scheduled to begin in March 2002. There were reports that several other farmers threatened similar actions in response to theft.

Prison conditions and conditions in military detention facilities are Spartan, although the Government continued to focus attention on improving living conditions. Prisons in the country generally meet international standards. Visits by the International Committee of the Red Cross (ICRC) and foreign diplomats found conditions in prisons to be clean and orderly. Human rights organizations continued to complain about prison overcrowding. The Ministry of Prisons and Correctional Services administers the country's prisons and jails. Pretrial detainees are not held separately from convicted prisoners. Prisoners generally have access to legal counsel and family during regular office hours. Prison guards allegedly sometimes abused female prisoners. Female prisoners are held separately from male prisoners. The Government also made efforts to separate youthful offenders from adult criminals, although in many rural areas, juveniles continued to be held with adults. Separate facilities for child offenders were established in Windhoek and Mariental. There are several pilot programs that provide alternatives to incarceration for juvenile offenders. The Government continued to grant NGO's regular access to prisons and prisoners. The ICRC requested and received prison access, including access to the high security Dorbabis detention facility.

In some cases, prisoners who were victims of brutality were able to pursue legal remedies. In June a judge awarded three inmates in Windhoek Central Prison damages of approximately \$3,500 (N\$40,000) as compensation for assaults by prison guards during 2000. Sageus Frederick, also a prisoner in Windhoek, was awarded damages of approximately \$1,400 (N\$15,000) in compensation for beating by prison officers in 2000. A total of 15 suits against the Minister of Prisons over the use of leg chains in prisons were settled out of court in August. The plaintiffs included Tuhafeni Hamwaama, who was kept in leg chains continuously for 11 months. Five of the prisoners challenged the constitutionality of the use of leg irons, which resulted in the Supreme Court declaring them unconstitutional in 1999.

d. Arbitrary Arrest, Detention, or Exile

The Constitution forbids arbitrary arrest or detention except in situations of national emergency; however, security forces used arbitrary arrest and detention in practice. Persons who are arrested must be informed of the reason for their arrest and must be brought before a magistrate within 48 hours of their detention. Those accused are entitled to defense by legal counsel of their choice, and those who cannot afford a lawyer are entitled to state-provided counsel. However, in practice many accused persons in remote and rural areas are not represented by counsel, primarily due to resource constraints. A trial must take place within "a reasonable time," or the accused must be released. Human rights organizations have criticized the length of time that pretrial detainees were held, which have extended beyond 1 year in some cases (see Section 1.e.). Under a state of emergency, the Constitution permits detention without trial, although the names of detainees must be published in the government gazette within 14 days, and their cases must be reviewed within 1 month by an advisory board appointed by the President. Detainees have access to their lawyers prior to trial. There is a functioning bail system in place. The LAC reports that it generally is observed except in rural areas, where persons often are unaware of their legal rights.

Security forces arrested several persons suspected of involvement in or collaboration with rebels. On April 27, police officers arrested Rassen Lutambo and another person in connection with the 1999 attacks by the CLA; the two men reportedly were forced at gunpoint to confess to involvement in the CLA and to serve as witnesses in the criminal trials of CLA members. There was no further information on the case available at year's end. In April NDF soldiers arrested Corporal Musenge Chipoya, reportedly based on the suspicion that he was collaborating with UNITA. On April 25, Chipoya was observed with NDF soldiers, but he subsequently disappeared; his whereabouts remained unknown at year's end. On June 13, in Ngone village, east of Rundu, SFF soldiers arrested Joao Vinevale reportedly based on suspicion of weapons possession. The NSHR reported that he was transported to the Angolan border town of Calai; his whereabouts remained unknown at year's end.

In May security forces arrested Frans Hamberera Kanyeve in Ngondo village, east of Rundu, reportedly on suspicion of UNITA involvement; Kanyeve was deported to Angola but subsequently returned to the country. There was no further information available on the case at year's end.

Security forces arrested several persons for alleged possession of weapons. For example, in January NDF soldiers arrested Liep Kamba and Riambi John in Bagani near the border between the Kavango and Caprivi regions for allegedly planting a landmine that killed three persons; they were released without charge after 3 days. The LAC brought a civil suit against the Government on their behalf; there was no further information on the case at year's end. On June 13, in Ngone village, east of Rundu, SFF soldiers arrested Joao Vinevale reportedly based on suspicion of weapons possession; his whereabouts remained unknown at year's end (see Section 1.b.).

Police arrested one journalist during the year (see Section 2.a.).

In June police officers arrested approximately 80 members of the Hai/Om San ethnic group, including women and children, for not having national identification cards; there was no further information available on the case at year's end.

Immigration officers continued to detain illegal immigrants. For example, in May immigration officers, with police and army cooperation, detained 120 illegal immigrants in Oshakati; most of the immigrants were Angolans.

Citizens who are arrested arbitrarily used civil suits as legal recourse in many cases. For example, on June 1, Khoe San leader Thadeus Chedau sued and was awarded damages of approximately \$2,000 (N\$23,000) for his arrest in 2000.

In 2000 a group of Angolan and Congolese refugee musicians were arrested for performing at a Congress of Democrats (COD) rally. After being released, the Government attempted to rearrest and deport them; however, by year's end, no such action was taken and the musicians returned to the Osire refugee camp.

During a security force operation in 2000, the Government arrested 82 alleged Angolan illegal immigrants in the northern part of the country and detained them under Section 49 of the Immigration Control Act, a provision that gives the Government greater powers to arrest and detain immigrants who may pose a security threat. A majority of the arrested immigrants had lived in the country for many years, and they were detained based on suspicion of involvement in UNITA crossborder attacks. The detainees were held for 1 month in secrecy before the Government made the arrests and detentions public. Although the detainees were interviewed by the ICRC and UNCHR, they were denied legal counsel. The NSHR stated that at least one of the detainees was a citizen and provided his identification card number; however, the Government disputed the detainee's citizenship, and he continued to be held at Dorbabis detention facility at year's end. The Government stated that it would not return forcibly the detained immigrants to Angola, and the detainees remained at Dorbabis at year's end; however, they had not been charged, and they were not granted access to legal counsel, although ICRC arranged for the Namibian Red Cross to transmit messages to and from their families.

In 2000 there were reports that security forces arrested and detained 3 senior headmen and 10 children from the Kxoe minority group. The children reportedly later were released.

In 2000 approximately 15 Kxoe men were arrested during a security sweep in western Caprivi. The Government initially denied that they were arrested and later stated that the men were arrested but escaped from custody; however, there was evidence that the detainees wrote letters to their families from the Bagani military base after the date of their reported escape, and LAC interviews with NDF soldiers also confirmed that the detainees remained at Bagani for at least 1 month after the government statement. The LAC filed a habeas corpus case; in December a court ruled against LAC in the case.

During the 1999 state of emergency declared in response to CLA attacks in Katima Mulilo, the security forces detained several hundred of suspected CLA members and sympathizers. Most of the detained were held incommunicado for 2 weeks, which the Constitution allows during states of emergency, before the Government provided public notice of the detentions. All of the detainees were arraigned on charges but were denied bail and remained in detention at year's end; their trials were postponed until April 2002. While the majority of detentions during the state of emergency occurred in the Caprivi region, in 2000 Albert Sibeya and Martin Sichimwa Mutumba were arrested in Ongwediva in the north-central part of the country. The NSHR protested the use of emergency measures to detain suspects outside of the Caprivi region, and the LAC initiated a constitutional case against the arrests. In September the case was settled out of court; the settlement provided for an undisclosed award of damages and for the charges against them to be dropped.

Some traditional leaders reportedly continued to detain and imprison persons accused of minor offenses without recourse to police or judicial review. In response the Government instructed traditional leaders on the legal limits of their authority.

The Government generally does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice.

The formal court system has three levels: 30 magistrates courts; the High Court; and the Supreme Court. The latter also serves as the court of appeals and as a constitutional review court.

During the year, a magistrate challenged in court a Ministry of Home Affairs decision to reassign him to a different region, claiming that direct government authority over magistrates undermined the independence of lower courts. On November 23, the High Court dismissed the magistrate's challenge and ordered him to pay the Ministry's legal costs.

Most rural citizens first encounter the legal system through the traditional courts, which deal with minor criminal offenses such as petty theft and infractions of local customs among members of the same ethnic group. The law delineates which offenses may be dealt with under the traditional system.

The constitutional right to a fair trial with a presumption of innocence until proven guilty generally is afforded by the judiciary; however, this right is limited somewhat in practice by long delays in hearing cases in the regular courts and the uneven application of constitutional protections in the traditional system.

The lack of qualified magistrates, other court officials, and private attorneys has resulted in a serious backlog of criminal cases, which often translated into delays of up to 1 year or more between arrest and trial, contravening constitutional provisions for the right to a speedy trial. Many of those awaiting trial were treated as convicted criminals.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides all citizens with the right to privacy and requires arresting officers to secure a judicial warrant before conducting a search, except in situations of national emergency, and government authorities generally respected these rights in practice. In general violations were subject to legal action.

Under the law, the Namibian Central Intelligence Service (NCIS) is authorized to conduct wiretaps, intercept mail, and engage in other covert activities, both inside and outside the country, to protect national security. However, wiretaps and covert surveillance require the consent of a judge.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, subject to reasonable restrictions in situations such as a state of emergency, and the Government generally respected these rights; however, at

times high level government officials responded to criticism of the ruling party and government policies with verbal abuse. There also were reports of government pressure on reporters who worked for the government-owned media.

The Government owns one newspaper--the biweekly New Era--and two magazines--Namibia Today and Namibia Review, and the Government also runs the Namibia Press Agency (NAMPA). There are six independent newspapers. Reporters for independent newspapers continued to criticize the Government openly and did not engage in self-censorship. During the year, high-level government officials sharply and publicly criticized journalists, human rights groups, and opposition politicians in response to perceived criticism of the Government or ruling party (see Section 4). The NSHR continued to publish reports regularly and sometimes on a daily basis. Such verbal attacks do not appear to have impacted significantly the aggressive style of the independent media or the work of human rights groups or opposition political parties. NGO's involved in media issues maintained that reporters working for the New Era newspaper were subjected to indirect and direct pressure not to report on certain controversial topics; although the New Era sometimes covered opposition party activities and views that were critical of the Government, the Government exerted control over its news content during the year.

During the year, President Nujoma ordered all government departments to stop buying The Namibian with state funds after May 31 due to its critical coverage of the President and the Government. In 2000 the Cabinet suspended all government advertising in The Namibian, including public notices on the census and other government activities; however, the Government continued to advertise in and purchase the majority of copies of Namibia Today, a weekly newspaper run by the ruling party. Local and international press freedom organizations criticized the Government's actions.

During the year, police arrested and charged with interference with the police a journalist for The Namibian when he attempted to photograph a defendant in the CLA trials who was hospitalized at the time; the journalist's camera was confiscated, and he was detained briefly, but the charges were dropped the same day.

On April 30, SFF members reportedly grabbed the notebook and tore up the written notes of a reporter, briefly confiscated his camera, and arrested him; he was released later the same day (see Section 1.c.).

During a May conference on world press freedom, the Government stated that foreign journalists attending the conference were not allowed to cover other news stories in the country without an additional visa.

The government-owned NBC operates most radio and television services. Media observers believe that NBC reporters exercised considerable self-censorship on certain controversial issues, although the NBC provided some coverage to opposition parties and viewpoints critical of government policies. However, a newly-appointed NBC Director instituted management changes that were criticized for enforcing ideological compliance with the Government and seeking to diminish government opposition.

There were eight private radio stations, one private television station in the town of Rehoboth, and a private cable and satellite television service that broadcasts the Cable News Network, the British Broadcasting Corporation, and a range of South African and international news and entertainment programs. The ruling SWAPO party owns 51 percent of this cable service. There are no restrictions on the private ownership of satellite dishes, and the use of satellite dishes and cable television is growing.

In 2000 the Ministry of Information and Broadcasting was absorbed into a combined Ministry of Foreign Affairs and Information and Broadcasting. Regulations require foreign journalists who seek to visit the country to provide 1 month's advance notice to the Ministry and to state the purpose of their proposed visit. Journalists are required to schedule appointments with government officials through the Ministry and request permission to visit areas under the control of the Ministry of Environment and Tourism. Additionally journalists must obtain a temporary work permit from the Ministry of Home Affairs. Several major conferences in the country attracted large numbers of international journalists.

There are no restrictions on Internet access or use. There are growing numbers of domestic Web pages, and one of the independent newspapers has a popular Web site.

The Government does not restrict academic freedom. There were no reports of interference with, or harassment of, these activities.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, except in situations of national emergency, and freedom of

association, even in times of national emergency, and the Government generally respected these rights in practice. Organizers of public meetings were required to obtain prior police approval, but many public gatherings took place without such approval and without interference by the Government. Unlike in the previous year, there were no incidents in which the Government prevented demonstrations. Unlike in previous years, there were no reports of intimidation by SWAPO members or opposition party members.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

Some foreign missionaries have complained about the difficulty of obtaining work and residency permits; however, religious workers are subject to the same bureaucratic impediments in obtaining these permits as all foreign citizens.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, except in situations of national emergency; however, on occasion the Government restricted these rights in practice.

SFF members reportedly beat persons whom they stopped for identification checks (see Section 1.c.).

The Government imposed a dusk to dawn curfew in the Kavango region and in western Caprivi in response to the war in Angola and the spillover effects in the country. Human rights groups criticized the action as an infringement of freedom of

movement; the Government defended the action on the grounds of public safety.

Unlike in previous years, there were no reports that the CIS deported any human rights workers (see Section 4).

The law provides for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the UNHCR on the granting of refugee status to asylum seekers. The Government's eligibility committee continued to meet on a regular basis to consider asylum requests, and the UNHCR was permitted to intervene in those cases where immigrants would qualify for refugee status. Illegal immigrants continued to be detained for short periods prior to their deportation proceedings (see Section 1.d.). In cases where illegal immigrants are alleged to pose a security threat, they can be detained for longer periods (see Section 1.d.).

The Government provided first asylum and continued to permit asylum seekers to enter the country. The UNHCR estimates that approximately 26,000 persons eligible for refugee status are residing within the country. There were approximately 18,000 refugees and asylum seekers at the Osire camp, 95 percent of whom are from Angola. The remaining refugees are from the Democratic Republic of the Congo, Burundi, Rwanda, Tanzania, and other African countries. Government officials interview asylum seekers. Those granted refugee status generally were not permitted to work, live outside the Osire refugee camp, or attend schools. Schools have been established at the Osire refugee camp. The Osire camp, which was designed to accommodate 5,000 refugees, experienced severe overcrowding problems during the year. During the year, there continued to be problems at Osire, including poor water quality, a high malnutrition rate, inadequate shelter, and tense relations with local farmers.

In 2000 officials denied foreign Red Cross members access to the Osire refugee camp based on new permit requirements. The Namibian Red Cross Society (NRCS) temporarily withdrew from the Osire camp after the incident. In 2000 the Government, the UNHCR, and the NRCS entered into a temporary tripartite agreement to provide for refugees in the Osire camp; the agreement designates the NRCS as the primary service provider. As a result, coordination among the parties improved in 2000; however, the Government continued to maintain strict control over civilian access to the Osire refugee camp. During the year, UNHCR administered two feasibility studies on a government proposal to move the Osire camp to Mkata. The studies recommended against the relocation of the camp; the Government was reviewing the studies' conclusions at year's end.

Namibian and Angolan security forces forcibly returned Angolan refugees entering the Kavango region on several occasions during 2000, and there were reports that such deportations continued during the year. There were allegations that young males were separated from their families, arrested, returned to Angola, or forced into conscription with the Angolan army. UNHCR requested and was granted access to immigration tribunal

proceedings.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens exercised their right to change their government by electing a President and National Assembly for the second time since independence during the 1999 general election, which international and domestic observers agreed was generally free and well-administered despite some irregularities. Observers noted instances of harassment of opposition members during the campaign, and unequal access to media coverage and campaign financing were problems. Nevertheless voter turnout was more than 60 percent, and the election proceeded peacefully. Sam Nujoma, leader of the ruling party SWAPO, was reelected. Although the Constitution formerly limited the President to two terms in office, in 1998 the National Assembly amended the Constitution to permit President Nujoma to run for a third term. President Nujoma won 77 percent of the vote and SWAPO won 55 of 72 elected National Assembly seats. In the National Assembly, 4 opposition parties won a total of 17 seats, including the COD party, which won the largest number of opposition votes; the Democratic Turnhalle Alliance (DTA); the United Democratic Front; and the Monitor Action Group. During the year, President Nujoma announced that he planned to step down at the end of his term.

The Constitution establishes a bicameral Parliament and provides for general elections every 5 years and regional elections every 6 years. Members of the National Assembly are elected on a party list system on a proportional basis.

Opposition parties generally were able to undertake political activity such as advertising and holding party conferences and public rallies.

Leaders of the opposition have criticized the ruling party for its decision to amend the Constitution to permit the President to seek a third term. In 1999 Ben Ulenga, former High Commissioner to the United Kingdom and a high-level ruling official, formed the COD opposition party, in part as a response to the amending of the Constitution to allow a third term, and in the general election the COD won approximately 10 percent of the vote and seven seats in the National Assembly.

The percentage of women in government or politics does not correspond to their percentage of the population. There were 3 female ministers and 4 female deputy ministers of a total of 42 ministerial and deputy ministerial positions. In addition one woman held a cabinet-level position as Director of the National Planning Commission. Women served as Ombudswoman and as the Government Attorney. Women held 18 of 98 parliamentary seats in the National Assembly. There is a Women's Caucus in Parliament that reviews legislation for gender sensitivity.

Historic economic and educational disadvantages have served to limit the participation of the indigenous San ethnic group in politics; however, a member of the San community representing the SWAPO party was elected to the National Assembly in the 1999 general elections. Virtually all of the country's other ethnic minorities were represented in Parliament and in senior positions in the Cabinet. Members of smaller ethnic groups hold the offices of Prime Minister, Deputy Prime Minister, Minister of Foreign Affairs, and Speaker of the National Assembly.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

During the year, high-level government officials continued to use harsh language in responding to criticisms of the ruling party and government policies by NGO's. For example, government officials publicly stated on numerous occasions during the year that critics were a fifth column for UNITA and guilty of treason. Government officials also have attacked verbally the NSHR and the Breaking of Walls of Silence (BWS) movement, which acts as an advocate for former detainees imprisoned by SWAPO prior to independence. However, despite verbal attacks, other local NGO's such as the LAC, the NSHR, the BWS Movement, and those working with indigenous groups continued to criticize government policies freely. Both the NSHR and the Namibia Institute for Democracy (NID) maintained field offices in the Kavango region. Human rights organizations generally were free to investigate reports of abuses in the region and to release reports.

In 2000 the Central Intelligence Service detained Moses Nasileli, the Katima Mulilo-based head of NSHR's Caprivi office, for questioning and expelled him from the country to Zambia. Although the Government justified the deportation based on his alleged support for Caprivi separatists, reportedly he was deported because of his NSHR affiliation. Nasileli was a Zambian national who had lived in the country since 1985, was married to a citizen, and had six citizen children. The Government claimed that he had immigrated illegally to the country in 1985 and that he was granted voluntary deportation (see Section 2.d.).

In addition human rights organizations and academic organizations, such as the Media Institute for Southern Africa, the Centre for Applied Social Sciences, and the Human Rights Documentation Centre, worked openly on a variety of human rights problems affecting the press, women, ethnic minorities, and other groups. For example, in 2000 leaders of the Council of Churches of Namibia (CCN) criticized the Government for the behavior of security forces along the Angolan border. The Media Institute of Southern Africa (MISA), which is based in Windhoek, periodically issued reports criticizing the Government.

Despite a 2000 agreement, officials continued to deny Red Cross members access to the Osire refugee camp (see Section 2.d.). Representatives of international human rights organizations, including Amnesty International, visited the country to investigate allegations of human rights abuses during the year.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, creed, gender, or religion, and specifically prohibits "the practice and ideology of apartheid," and the Government generally respects these provisions. During the year, there was a significant improvement in the attention paid to women's issues and the rights of disabled persons.

Although the Constitution prohibits discrimination, it does not mention specifically sexual orientation. The Government has stated publicly that the Constitution protects equal rights regardless of sexual orientation; and one binational homosexual couple was granted immigration rights. The country has a law protecting homosexuals from employment discrimination. However, during the year, senior government officials, including President Nujoma, made disparaging public remarks about homosexuals. During a March 19 speech at the University of Namibia, President Nujoma announced that "the Republic of Namibia does not allow homosexuality or lesbianism here. Police are ordered to arrest you, and deport you and imprison you too." However, there were no reports that homosexuals were arrested, deported, or imprisoned during the year. Nujoma also declared that homosexuals would not be allowed to enter the country; however, there were no reports of such incidents. Following Nujoma's remarks, some SFF members harassed and abused persons whom they suspected were homosexual (see Section 1.c.).

Women

Domestic violence against women, including beating and rape, is widespread. Traditional attitudes regarding the subordination of women exacerbated problems of sexual and domestic violence. However, there continued to be an improvement in the attention paid to the problems of rape and domestic violence. Government ministers joined in public protests against domestic violence, and the President, members of his Cabinet, and parliamentarians continued to speak out against it. During the year, convicted rapists and abusers received longer prison sentences in many cases than in previous years. NGO's expressed concern that the court system does not have mechanisms to protect vulnerable witnesses from open testimony, and the Government worked on establishing judicial procedures to address the problem. Police stated that more women came forward to report cases of rape and domestic violence. In 2000 the National Assembly passed and the President signed the Combating of Rape Act, which defines rape in broad terms, and allows for the prosecution of rape within marriage.

In 2000 the police began a special training course on gender sensitivity. Centers for abused women and children in Oshakati, Windhoek, Keetmanshoop, Walvis Bay, and Rehoboth are staffed with specially trained female police officers to assist victims of sexual assaults. In 2000 safe houses opened in Mariental, Swakopmund, and Tsumeb.

Reports continued that women were kidnaped, raped, or otherwise abused by armed men along the border with Angola in the Kavango and Caprivi regions. The Government claimed that the abuses were carried out by UNITA rebels; however, human rights groups reported that some of the incidents were perpetrated by Angolan government soldiers.

The Constitution prohibits discrimination against women, including employment discrimination. The law prohibits discriminatory practices against women married under civil law. Women married in customary (traditional) marriages continued to face legal and cultural discrimination. Traditional practices that permit family members to confiscate the property of deceased men from their widows and children still existed; however, the frequency of such cases lessened considerably during the year.

Children

The Constitution enumerates children's rights, including those in the area of education and health. During the

year, 25 percent of government expenditures were designated for education and 15 percent for health care, a slight decrease from previous years. However, in practice, outmoded policies and laws and an untrained work force led to inadequate attention to child welfare.

The Constitution provides children with the right to primary and junior secondary education (grades 1 to 10); however, the numerous fees, which included fees for uniforms, books, hostel costs, and school improvement, placed a burden on students' families. The inability of poorer families to pay the fees, which varied greatly between regions, precluded some children from attending school. In these cases, families were less likely to continue to pay fees for girls, particularly those at the junior secondary level. Many San children do not attend school.

Overcrowding at the Osire refugee camp has affected children who are residing there. There were approximately 6,000 school-age children at Osire, and there was a shortage of classrooms (see Section 2.d.).

Child abuse is a serious and increasingly acknowledged problem. The authorities vigorously prosecuted cases involving crimes against children, particularly rape and incest. The law criminalizes and protects children under 18 years from sexual exploitation, child pornography, and child prostitution. The age of sexual consent is 16 years. During the year, courts handed down longer sentences against child rapists than in previous years, and the Government provided training for police officials to improve the handling of child sex abuse cases. Centers for abused women and children were working actively to reduce the trauma suffered by abused children. The LAC launched a national campaign to revise legislation on child maintenance in 1999. The Child Maintenance Bill was sent to the Cabinet for discussion in 1999; however, by year's end, no movement was made towards tabling it in Parliament. The bill would require divorced spouses to provide maintenance allowances for their children.

It is difficult for the Government to ensure enforcement of national laws against child labor on commercial farms (see Section 6.d.).

In January there was a report that the Angolan armed forces were recruiting persons under 18 years of age in the northern part of the country to fight in southern Angola against UNITA.

The Government expanded programs to separate juvenile offenders from adults in the criminal justice system.

Persons with Disabilities

While discrimination on the basis of disability is not addressed in the Constitution, the Labor Act prohibits discrimination against persons with disabilities in employment; however, enforcement in this area was weak. Although there was no legal discrimination against persons with disabilities, societal discrimination persists. The Government legally does not require special access to public buildings for persons with disabilities, and many ministries remain inaccessible to them. Although some municipal governments have installed ramps and special curbing for persons with disabilities at street crossings, physical access for those with disabilities remained a problem due to resource constraints. Disability issues received greater public attention than in previous years, with wider press coverage of the human rights problems that confront persons with disabilities.

Indigenous People

The Bushmen, also known as the San people, the country's earliest known inhabitants, historically have been exploited by other ethnic groups. The Government has taken numerous measures to end societal discrimination against the San, including seeking their advice about proposed legislation on communally-held lands and increasing their access to primary education; however, many San children do not attend school. In 1999 a San was nominated by the SWAPO party for the National Assembly and won the election. Reports from the NSHR and in the press claim that civilians from the Mafwe and Kxoe San ethnic groups were targeted for harassment during the police campaign against Caprivi separatists in 1998 and continued during the year.

By law all indigenous groups participate equally in decisions affecting their lands, cultures, traditions, and allocations of natural resources. However, Bushmen and other indigenous citizens have been unable to exercise fully these rights as a result of minimal access to education, limited economic opportunities under colonial rule, and their relative isolation.

The Government plans to build a hydroelectric dam on the Kunene River that would flood ancestral graves and grazing areas of the semi-nomadic Himba people; the project was highly controversial. The Government has made repeated efforts to consult with Himba leaders regarding the project, but many of the Himba chiefs adamantly remain opposed to the project. Government leaders have criticized harshly those opposed to the

project, terming them "enemies of development."

The law defines the role, duties, and powers of traditional leaders and provides that customary law is invalid if it is inconsistent with provisions of the Constitution. It enumerates the types of crimes that may be addressed in traditional courts. The law assigns to traditional leaders the role of guardians of culture and tradition.

The Government's authority to confer recognition or withhold it from traditional leaders, even in opposition to local preference, especially was controversial because of the leaders' influence on local events, including local police powers. In some cases, the Government has withheld recognition from genuine traditional leaders who have sympathy for the political opposition. This has been especially true in the Khoe San and Mafwe communities in the Caprivi and in the Herero community.

National/Racial/Ethnic Minorities

The Constitution prohibits discrimination based on race and other factors and specifically prohibits "the practice and ideology of apartheid." The law codifies certain protections for those who cite racial discrimination in the course of research (including academic and press reporting) or in trying to reduce racial disharmony. Nevertheless as a result of more than 70 years of South African administration, societal, racial, and ethnic discrimination persists. There were several reported cases of black farm workers suffering discrimination in remote areas at the hands of white farm owners. Many non-whites continued to complain that the Government was not moving quickly enough in education, health, housing, employment, and access to land.

Some citizens complained that the SWAPO-led government provided more development assistance to the numerically dominant Ovambo ethnic group of the far north than to other groups or regions of the country.

NSHR claimed that members of the Kxoe minority were harassed during security force operations in the Kavango region in 2000 (see Sections 1.c. and 1.d.).

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for freedom of association, including freedom to form and join trade unions, and the Government respected this right in practice. Public servants, farm workers, and domestic employees also have this right. However, farm workers and domestic servants working on rural and remote farms often were ignorant of their rights, and unions experienced obstacles in attempting to organize these workers; as a result, they suffered abuse by employers. Trade unions had no difficulty registering, and there were no government restrictions on who may serve as a union official. Despite concerns created by a 1999 Ministry of Labor report that questioned a growing number of trade unions, the Government has not taken action to dissolve any trade unions.

Unions are independent of the Government and may form federations. The two principal trade union organizations are the National Union of Namibian Workers (NUNW) and the Namibia Federation of Trade Unions (NAFTU). The NUNW and SWAPO are no longer affiliated but remain closely linked. The Mine Workers Union Investment Company, which consists of several large public service, teachers, mining, and maritime unions, is critical of the Government. Less than 20 percent of full-time wage earners were organized. Trade unions lacked capacity and resources. The Government recognizes the non-SWAPO aligned union federation, NAFTU, and treats it professionally; however, the NAFTU does not appear to have the same level of consultative access that government officials accord to the NUNW.

Except for workers providing essential services such as jobs related to public health and safety and workers in the export processing zones (EPZ's), workers enjoy the right to strike once conciliation procedures have been exhausted, and 48-hour notice has been given to the employer and labor commissioner. Under the law, strike action can be used only in disputes involving specific worker interests, such as pay raises. Disputes over worker rights, including dismissals, must be referred to a labor court for arbitration. The law protects workers engaged in legal strikes from unfair dismissal. Strikes are rare in the country. During the year, there was a strike involving workers at a fishing company in Luderitz town and another strike involving employees of the University of Namibia. Negotiations with management resolved both disputes.

Laws specifically protect both union organizers and striking workers from employer retaliation, and there appeared to be only isolated cases of retaliation. However, the scarcity of judges and lack of expertise in labor law causes lengthy and unnecessary delays. The new labor act, which has not been promulgated, includes provisions for binding arbitration to resolve most labor disputes. The labor law does not prohibit labor by non-

union replacement workers, but most companies seek negotiated settlements rather than employing non-union replacement workers.

Unemployment, which is nearly 40 percent, remained a significant problem and affected primarily the black majority.

Trade unions were free to exchange visits with foreign trade unions and to affiliate with international trade union organizations. Unions exercise this right without interference.

b. The Right to Organize and Bargain Collectively

The law provides employees with the right to bargain individually or collectively. Collective bargaining is not practiced widely outside the mining and construction industries, which have centralized, industry-wide bargaining. Almost all collective bargaining is at the workplace and company level. However, as unions became more active, informal collective bargaining became more common. The Ministry of Labor cited lack of information and basic negotiation skills as factors hampering workers' ability to bargain with employers successfully.

The law provides a process for employer recognition of trade unions and protection for members and organizers. The law also empowers the Labor Court to remedy unfair labor practices and explicitly forbids unfair dismissals. Unfair dismissals occur when an employer terminates employment without following correct procedures and a substantially fair process. Unfair dismissals may be appealed to the Labor Court, and remedies include fines, compensation, and reinstatement, as determined by a labor court judge; however, there are not enough judges to address the backlog of cases. Parliament was reviewing new labor legislation, which provides for mediation and arbitration, at year's end.

Employers are required to give a registered union access to its members and to recognize the exclusive collective bargaining power of the union when a majority of the employer's workers are members of that union. This provision of the law has been implemented effectively.

There are EPZ's at the Walvis Bay and Oshikango industrial parks and a number of single-factory EPZ's outside of these parks. The law applies to EPZ's; however, workers in EPZ's were prohibited from striking, and employers were prohibited from engaging in lockouts. Some trade unionists continued to challenge the constitutionality of the agreement reached by government and NUNW representatives codified in the law because it limited the right to strike. Under the agreement, labor-related issues in the EPZ were referred to a special EPZ dispute settlement panel composed of employers and workers for expeditious resolution. If a dispute is not resolved at this level, it is referred to compulsory arbitration. With only a few businesses operating in the Walvis Bay EPZ, the effectiveness of this agreement in securing the rights of workers in the EPZ could not be determined.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced, compulsory, and bonded labor by adults and children; however, during the year, there continued to be media reports that farm workers (including some children on family-owned commercial farms) and domestic workers often received inadequate compensation for their labor and were subject to strict control by employers. Ministry of Labor inspectors sometimes encountered problems in gaining access to the country's large, family-owned, commercial farms in order to investigate possible labor code violations.

There were reports that UNITA forces kidnaped citizens and forced them to serve as combatants and porters in Angola (see Sections 1.b. and 6.f.). In January there was a report that the Angolan armed forces were recruiting persons under 18 years of age in the northern part of the country to fight in southern Angola against UNITA.

d. Status of Child Labor Practices and Minimum Age for Employment

Under the law, the minimum age for employment is 14 years, with higher age requirements for night work and for certain sectors such as mining and construction. Children below the age of 14 often worked on family-owned commercial farms and in the informal sector, and some also worked in communal areas. In 1999 the Namibia Child Activities Survey reported that of 444,751 children ages 6 to 18 in the country, 72,405 (16.3 percent) worked. The survey defined work as "for pay, profit, or family gain, even for 1 hour per day within the 7 days preceding the survey." More than 95 percent of those children classified as working lived in rural areas, which indicated that the majority of child labor occurred on farms. The survey also documented that of those children classified as working, 80 percent continued to attend school.

Ministry of Labor inspectors generally enforced minimum age regulations; however, the Ministry continued to lack labor inspectors who were trained specifically in child labor issues. There also were reports that Ministry of Labor inspectors reportedly encountered problems gaining access to family-owned, commercial farms to investigate possible illegal child labor. The Government has taken steps to end abuses, and the child labor problem has declined. There also were reports that Angolan and Zambian children worked on communal and cattle farms in border areas, although such occurrences have been curtailed since 1999 by the deportation of illegal immigrants (see Section 2.d.).

Criminal penalties and court orders are available to the Government to enforce child labor laws, which involve a complicated procedure that must be initiated through a civil legal process.

There are no specific remedies available to individuals for incidents of the worst forms of child labor.

The Labor Advisory Council, a tripartite board which includes government, union, and private sector representatives, sponsored a series of workshops during the year to sensitize and inform employers about child labor regulations.

The law also criminalizes and protects children under 18 years from sexual exploitation, child pornography, and child prostitution. The age of sexual consent is 16 years.

The Government prohibits forced and bonded labor by children; however, the media reported that some children worked as farm laborers without adequate compensation (see Section 6.c.).

e. Acceptable Conditions of Work

There is no statutory minimum wage law. In Windhoek's non-white urban area townships, many workers and their families have difficulty maintaining a minimal standard of living. Leaders of the Farm Workers Union have called for a minimum wage in the agricultural sector because of the low wages that some farmers pay their employees. The apartheid era disadvantaged non-white citizens in terms of wages and standards of living. After independence, many non-white citizens who were disadvantaged experienced a rapid increase in standard of living, particularly with respect to access to education, housing, water, power, and wages for those with at least a basic education. However, wage levels for the less educated majority have remained largely unchanged since independence.

The standard legal work week is 45 hours, and requires at least one 24-hour rest period per week. An employer may require no more than 10 hours per week of overtime. The law mandates 24 consecutive days of annual leave, at least 30 workdays of sick leave per year, and 3 months of unpaid maternity leave. However, in practice these provisions were not observed or enforced rigorously by the Ministry of Labor.

The Government mandates occupational health and safety standards. The Labor Act empowers the President to enforce these standards through inspections and criminal penalties. Labor laws generally are implemented efficiently. However, the Ministry of Labor lacks an adequate number of trained inspectors to monitor adherence to such labor regulations as providing overtime pay and social security by some companies, especially small, family-owned operations. The law requires employers to ensure the health, safety, and welfare of their employees. It provides employees with the right to remove themselves from dangerous work situations; however, some workers do not have this right in practice.

For example, in 1999 workers at the Navachab gold mine near Karibib occupied the control room at the Ore Mill and shut down production to protest the extreme heat and shortage of oxygen in the mine's metallurgy plant. A prior agreement between the mine and the mineworkers union gave workers the right to leave the workplace if they believed that their safety was threatened; however, mine management protested the shutting of the mill as an illegal industrial action and threatened to fine the employees involved. In 2000 the workers reached a compromise with management to set up an independent panel of experts to investigate whether there was an unacceptable health risk at the mill. The panel found that health risks existed at the mill, and management withdrew disciplinary measures against the workers. Although the management agreed to improve working conditions in the mill and to address other labor grievances, the company did not pay strikers for the time when they were engaged in the industrial action, penalized workers who occupied the control room by refusing to give them a month's salary, and issued written warnings to other mill workers who joined sympathy strikes.

The law accords the same rights to foreign workers as to citizens.

f. Trafficking in Persons

Although the law does not specifically prohibit trafficking in persons, it does prohibit slavery, kidnaping, forced labor, including forced prostitution, child labor, and alien smuggling; there were no reports that persons were trafficked to, from, or within the country.

However, there were reports that UNITA forces kidnaped citizens and forced them to serve as combatants and porters in Angola (see Section 1.b. and 6.f.).

Police and immigration officials received training in combating trafficking in persons during the year.